

REMARKS

Applicant has studied the Office Action dated February 27, 2006. Applicants respectfully request entry of these remarks under the provisions of 37 C.F.R. § 1.116(a) in that the remarks below place the application and claims in condition for allowance, which allowance is respectfully requested. Claims 1-15 and 17 remain pending. Claims 1, 2, 4, 8, 9, 10, 11, 12, 13, 15, and 17 are amended. Reconsideration and allowance of the pending claims in view of the following remarks is respectfully requested.

In the Office Action, the Examiner:

- (4) withdrew the Examiner's previous rejection of claims 1-8 and 12-14;
- (5) allowed claims 1-8 and 12-14;
- (6-7) rejected claims 9-11, 15, and 17 under 35 U.S.C. § 103(a) as being unpatentable over Eberhard et al. (U.S. Pat. Pub. No. 2001/0011238) in view of Fawcett (U.S. Patent No. 5,845,077).

(4-5) Allowance of Claims 1-8 and 12-14

The Applicant thanks Examiner Roche for withdrawing his previous rejection, and granting allowance of claims 1-8 and 12-14. Claims 1, 2, 4, 8, and 12, 13 have been amended to clarify the antecedent basis for various elements, which is independent of patentability over the prior art of record.

(6-7) Rejection under 35 U.S.C. §103(a) Eberhard et al. in view of Fawcett

Although the Applicant respectfully disagrees with the rejection of claims 9-11, 15, and 17, the Applicants have amended independent claims 9, 11, 15, and 17 to recite limitations identical to allowable claims 1 and 12 from a client system point of view, but directed at a point of view of a software delivery server. Accordingly, the Applicants respectfully submit that independent claims 9, 11, 15, and 17 are in a condition for allowance which allowance is respectfully requested. Further, claim 10, since dependent claims contain all the limitations of the independent claims, claim 10 should

be allowable as well, which allowance is respectfully requested.

CONCLUSION

The remaining cited references have been reviewed and are not believed to affect the patentability of the claims as amended.

In this Response, Applicant has amended certain claims. In light of the Office Action, Applicant believes these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicant respectfully submits that the claim amendments do not limit the range of any permissible equivalents.

Applicant acknowledges the continuing duty of candor and good faith to disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment are limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and his attorneys.

Applicant respectfully submits that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all claims in the application are allowable. No new matter has been added. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

PLEASE CALL the undersigned if that would expedite the prosecution of this application.


Respectfully submitted,

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